



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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**Regional Governance (RG) Subcommittee**  
**King County Charter Review Commission**  
**Meeting Minutes – February 4, 2008**  
Chinook Building, 5:30 pm-7:30 pm

Due to the level of detail and the significance of the opinions voiced in this meeting,  
please reference the recording for further information and clarification  
[http://www.metrokc.gov/exec/charter/committees/mins/reg-gov/02-04-08\\_rg.mp3](http://www.metrokc.gov/exec/charter/committees/mins/reg-gov/02-04-08_rg.mp3)

The February 4, 2008 meeting of the Regional Governance Subcommittee of the King County Charter Review Commission was called to order by Chair Bryan Glynn at 5:35 p.m.

**Commission members in attendance:**

Bryan Glynn, Co-Chair  
Kirstin Haugen  
John Jensen  
Gary Long  
Sharon Maeda  
Lois North  
Mike Wilkins

**Absent:**

Juan Bocanegra  
Doreen Cato, Co-Chair  
James Williams

**Staff:**

Becky Spithill, Project Manager, Charter Review Commission  
Mark Yango, Charter Review Coordinator

**Council and PAO Staff:**

Ross Baker, Council Chief of Staff  
Rebecha Cusack, Council Liaison to the Commission  
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office  
Susan Slonecker, Supervising Attorney (Employment), Prosecuting Attorney's Office  
Nick Wagner, Council Co-Liaison to the Commission

**Guests:**

Steve Eggert, President, King County Police Officer's Guild

Chris Vick, Attorney, representing the KCPOG

Meeting was called to order by co-chair Bryan Glynn at 5:35 pm

**1. Opening**

**MOTION:** Mrs. North moved to approve minutes from the December 5<sup>th</sup> meeting.

Motion was seconded.

VOTE:

Approved - unanimous

**2. Responses to the KCLS letters at the meeting of the full CRC**

**Discussion:** – Mr. Glynn asked for discussion about some of the comments made at the meeting of the full CRC when the RG Subcommittee presented its drafts of the letters to Council, the Executive and the KCLS Board of Trustees. Ms. Haugen asked if the letters would appear in the report, in addition to being sent.

**DECISION:**

Members reconfirmed their support of the CRC sending letters recommending action versus having the non-charter recommendations appear only in the body of the report that is transmitted to Council. The letters will appear in the report as well, in order to provide documentation of actions taken by the CRC.

**3. Sheriff's Issues**

Chris Vick, attorney for the King County Police Officer's Guild (KCPOG) and Steve Eggert, President of the KCPOG spoke about the legality of bifurcated bargaining and the participation of the Sheriff's Office in collective bargaining, past and present.

Mr. Vick: The Guild asked him to present to the subcommittee. Bargaining authority resides either with the council or with the executive. The Guild is concerned about representations in the newspaper about the status of collective bargaining in other counties in the state of Washington. The collective bargaining law contemplates two bargaining agents: an agent representing the union and an agent representing the employer, not some parts of the employer. Separate agendas are not part of the bargaining process. The process can't work otherwise. Public safety employees have access to statutory interest arbitration, at which point the whole contract goes before a labor judge. From a structural and a legal standpoint, it is not practical to divide up that authority. If the Sheriff believes her interests are not being met, then the Executive and the Sheriff need to collaborate better. Union has been bargaining since last February when it came to the table early to facilitate addressing the citizen oversight committee issues. These negotiations have focused only on two issues of the executives: insurance and

wages. All the rest of the time, the Sheriff's issues (working conditions) have been bargained and are in the process of being agreed upon. It is concerning to the Guild that the Sheriff has never sat in on collective bargaining, and the Guild believes she misunderstands the process.

Mr. Wilkins: Mr. Eggert and Mr. Vick have both been at the bargaining table. Has there been a Sheriff's representative always at the collective bargaining table?

Mr. Vick (with Mr. Eggert): Yes, including someone from the Executive's Office. The Sheriff now has two representatives of the Sheriff at the table, plus the HRD [Human Resources Department] representative and Otto Kline as negotiator for the county. The Sheriff sends the chief of the technical services division and the criminal investigation division. HRD represents the Sheriff's interests.

Mr. Wilkins: Would you see a problem with county code clarification that there should be collaboration.

Mr. Vick: Since that already happens, yes. Guild is very perplexed about this being an issue.

John Jensen: If the contract has been rolled over for the past 10 years, how could the Sheriff participate in negotiations?

Mr. Vick: The implication of that is not true. Someone on the Blue Ribbon Panel (BRP) thought that not having full-fledged labor negotiations was a sign of something amiss. That would be true if nothing had changed in those contracts over the past 10 years. These groups historically resolve things continuously—almost all of Mr. Vick's clients have amicable relationships—and changes are made all the time. This union bargains every three years.

Mr. Long: In that period of time, the Sheriff has been actively engaged in negotiating working conditions.

Mr. Vick: Yes. Working conditions are exclusively the domain of the Sheriff.

Mrs. North: What about reinstating the Civil Service Commission?

Mr. Vick: He agreed with the Sheriff on this. The state civil service law requires things that aren't part of collective bargaining. We still operate under civil service rules. It's not an ideal system but it works well in the examination process. The employment process for King County has structural problems that would be resolved by the civil service system, which would relieve the HRD of that obligation. It is not clear in King County what happens if someone doesn't like the test. A civil service system has clear ways to deal with these things and is good in the selection process.

Ms. Slonecker: Guild members have opted not to challenge issues through the civil service commission. In testing and hiring, HRD administers the day-to-day hiring issues.

Ms. Maeda: Sheriff contends that disciplinary actions can't be taken. Under what kind of scenario can the Sheriff not take disciplinary action? How would the current situation differ if the Sheriff were in charge? If someone has done something egregious, he or she goes on administrative leave.

Mr. Vick: Generally, no. Under civil service and bargaining, there is no action other than that of the Sheriff's. There is a valid concern that the step process and procedure is lengthy. Grievances do take a long time. It would be no different under the Sheriff's control than it is now.

Mr. Jensen: Is there a way to speed it up?

Mr. Vick: The Sheriff deserves a full investigation of any grievance. We have more cases scheduled for hearings than ever before.

Mr. Baker: What kinds of discipline do not result in termination?

Mr. Eggert: Letters of reprimand, suspensions of varying late, and revoking off-duty work permits are examples.

Mr. Vick said that Sheriff Rahr is still learning her job. When Dave Reichert first became Sheriff, there was a breaking in period. He attributed the Sheriff's position as indication that she hasn't learned yet how to make the department work for her as opposed to running the entire department. Mr. Eggert said that in the past the union has had a very collaborative relationship with the Sheriff's office and are working now to restore that.

Mrs. North said leave the collective bargaining situation alone and resurrect the civil service system for hiring and evaluation function. Mr. Vick concurred. Mr. Long said he thought the flaw maybe had to do with ambiguity of the appellate process.

Mr. Eggert said that Sheriff Rahr wants to speed up the hiring process. King County needs a faster process, because the pool of candidates is very small. Mr. Vick discussed Snohomish County's hiring process, all of which was bargained, and said that it is fast and efficient. But the issue would still arise when someone contests the test; and what is missing is a process to address that.

Ms. Cusack asked how Mr. Vick and Mr. Eggert reconcile the findings of the BRP? Mr. Jensen asked about the difficulty of implementing oversight committees. Mr. Vick responded that the problems include alleged police brutality relative to the law enforcement function. Civilian oversight needs to balance protecting citizen rights while preserving the law enforcement functions. The Sheriff's Office has discharged a fair number of people over the years.

Mr. Jensen stated that the Council directed the implementation of the oversight committee and the remaining issues that need to be bargained are not being bargained. Mr. Vick said that it was a misstatement of the facts; Mr. Ferguson proposed his ordinance without consulting with

anyone. Sheriff Rahr convened the BRP, which recommended the ordinance. Mr. Jensen pointed out that Ron Sims signed the ordinance.

Mr. Vick said that the county is required to bargain things that affect discipline and we are close to an agreement. We have worked to put together a good civilian oversight system. I think we've come up with a good plan for King County without injecting criminal advocacy into the system.

Mr. Eggert spoke about the five-month bargaining hiatus that was the result of management's actions to put together a negotiating team, including Otto Klein.

Mr. Glynn asked about the BRP recommendations and what the union's position is on those. Mr. Vick stated that he didn't think that anyone on the BRP had ever participated in bargaining. Civilian oversight will come out of the current effort, but particulars of it do not make sense. King County looked at LA County, which was not comparable and it seems no one has looked at it from the operational standpoint. Collective bargaining provides that ability.

Mr. Jensen asked for clarification of the ordinance and the oversight committee. Mr. Vick and Mr. Eggert responded: The union filed an unfair labor practices suit that was settled with the county once the county agreed to bargain the civilian oversight. Not everything the BRP recommended is appropriate; for example, it recommended that the union president be physically distanced from the work force, which proved to be disruptive and polarizing.

Mr. Vick stated that the BRP had no one on its panel who had sat at the negotiating table. He commented that he had great respect for Faith Ireland and had "helped her get elected."

Ms. Cusack: Was the guild asked to make a statement to the BRP. Mr. Jensen said that Ms. Ireland stated that the BRP had a variety of expertise on the panel and she recommended that the commission endorse those recommendations; there was at least one woman with years of labor relations experience on the BRP.

Mr. Glynn recommended that the subcommittee meet on Monday, February 25<sup>th</sup>.

Mr. Vick' stated that the county and the union were "a week away from an agreement," which would be reached within one or two meetings. Mr. Jensen said that current agreements that are being reached in the course of bargaining may be the result of the work of the BRP.

Mr. Jensen addressed the subcommittee: Mr. Jensen stated that he came away from the COW meeting with a different impression than Ms. Spithill. While he voted for an ordinance the previous week, he stated that he no longer believed it would make any difference. In addition, he said that he could not dismiss the work of the BRP; the commission has a very broad scope of issues to address, while the BRP is focused on a single subject, the King County Sheriff's Office. Mr. Jensen said that he would support a charter change recommended by the BRP, which is to give the Sheriff authority to bargain working conditions. This is endorsed by council members, as well. Councilmember Phillips believes in a strong Executive and strong Council, and accepts

that the voters want an elected sheriff and he thinks we should fix the fundamental mistake made by separating management from authority

Mr. Wilkins said he didn't understand that the PAO had two separate contracts. Ms. Slonecker said it's like two different chapters within one contract.

Mr. Long said the county is divided by presence of elected officials and giving bargaining authority to the Sheriff will not resolve the problems. He argued that the commission should do nothing.

Gov. Lowry stated that under state law, he didn't think there could be more than one bargaining agent. In looking at RCW 41.56, Ms. Slonecker indicated that there is not a restriction on more than one person coming to the bargaining table representing one public entity—the county.

Mr. Wilkins asked if the two bargaining agents come to the table in agreement, there is no problem, but what if there is a difference of opinion. Money is always the flip side of working conditions. Mr. Jensen said that many issues are not necessarily dependent on wages—Mr. Vick said as much when he said that many issues are dealt with between formal collective bargaining.

Mr. Jensen referenced the status of collective bargaining in other counties. The question still exists whether other counties give authority for bargaining to the Sheriff. Mr. Wilkins asked that we do research on other counties to identify how sheriff's issues are bargained and if there are provisions for formal bifurcated bargaining.

Gov. Lowry said that he could not imagine trying to run a department that separates budget from operations. All the other issues aside, he could not see how a large county with a large budget would conduct bifurcated bargaining. Mr. Long observed that we're giving too much to the notion of who the bargaining agent is.

Ms. Spithill relayed information about the Council of the Whole meeting that day. Mr. Ferguson stated that it would be difficult for the council to set aside the recommendations of the BRP.

Mrs. North agreed with Gov. Lowry and Mr. Long in that she doesn't see that bifurcated will work for King County. Ms. Haugen stated that Pierce County does have an elected Sheriff. Ms. Maeda did not recommend bifurcated bargaining.

Mr. Glynn urged the members to think about the collective bargaining issue and to communicate that thinking to the staff and other subcommittee members. Would anyone find charter language useful to consider next time? Mr. Long supports the notion to use the code to make changes. Mr. Sinsky provided requested code language, which will be discussed at the next meeting.

#### **4. Regional Committees Work Group (RCWG)**

Mr. Long and Mr. Wilkins reported on the meeting of RCWG the previous Thursday. Mr. Wilkins reported that Councilmember Phillips would support some changes. Progress was made

on increasing the authority of the Regional Committees by having co-chairs (one member of council and one representative of the cities) and ensuring that cities have the opportunity to participate in the development of work plans. It appears that Council will not support changing the proportion of membership by lowering the number of council members relative to the number of city, et al. representatives. The next meeting of the RCWG is scheduled for Thursday, February 21.

Meeting adjourned at 7:20 p.m.

Respectfully submitted by Becky Spithill.